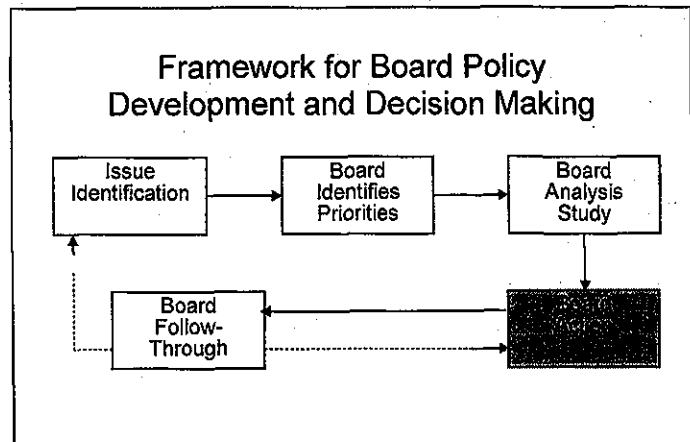


# Iowa State Board of Education

## Executive Summary

November 20, 2008



- Agenda Item:** Chapter 17 Rules, Open Enrollment (Adopt)
- Iowa Goal:** (2) All K-12 students will achieve at high levels.
- Equity Impact Statement:** All school districts are governed by the open enrollment law and its rules.
- Presenter:** None (Consent)
- Attachments:** 1
- Recommendation:** It is recommended that the State Board adopt and file the proposed amendments to this chapter.
- Background:** 2008 Iowa Acts, House File 2700, section 108 changed the funding formula for students enrolled in a home school assistance program from .6 per pupil funding to .3 per pupil finding. In addition, the amendment to subrule 17.10(6) clarifies a misunderstanding about the phrase "number of quarters." School districts may not lawfully pay for services not rendered; all tuition of any type is prorated to the day of service. The reference to quarterly ("Quarterly payments shall be made to the receiving district.") in Iowa Code section 282.18, subsection 9, refers to when payments are made from one district to another; it does not refer to the amount or how to calculate such payments. Striking the reference to quarters in the subrule allows to Department to give clearer guidance on this to districts. Finally, subrule 17.10(2) is amended to clarify which district counts home schooled pupils who are dually enrolled.
- Notice of Intended Action was published in the August 27, 2008, Iowa Administrative Bulletin. Public comments were allowed until 4:30 p.m. on September 16, 2008. No written or oral comments were received.

EDUCATION DEPARTMENT [281]

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 17, "Open Enrollment," Iowa Administrative Code.

In accordance with 2008 Iowa Acts, House File 2700, section 108, the Board amends rule 281—17.10(282) to change the funding formula for students enrolled in a home school assistance program from .6 per pupil to .3 per pupil. In addition, subrule 17.10(6) is amended to clarify a misunderstanding about the phrase "number of quarters." School districts may not lawfully pay for services not rendered; all tuition of any type is prorated to the day of service. The reference to "quarterly" ("quarterly payments shall be made to the receiving district") in Iowa Code section 282.18, subsection 9, refers to when payments are made from one district to another; it does not refer to the amount of such payments or how to calculate them. Striking the text in subrule 17.10(6) that refers to the number of quarters allows the Department to give clearer guidance on this matter to districts. Finally, subrule 17.10(2) is amended to clarify which district shall count home schooled pupils who are dually enrolled.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the August 27, 2008, Iowa Administrative Bulletin as ARC #7093B. Public comments were allowed until 4:30 p.m. on September 16, 2008. No written or oral comments were received.

This amendment is identical to that published under Notice.

This amendment is intended to implement 2008 Iowa Acts, House File 2700, section 108.

This amendment shall become effective January 21, 2009.

The following amendment is adopted.

Amend rule **281—17.10(282)** as follows:

**281—17.10(282) Method of finance.** Open enrollment options shall be made available for pupils at no instructional cost to their parents/guardians. Open enrollment pupils shall be considered enrolled resident pupils in the resident district and shall be included in the certified enrollment count of that district for the purposes of generating school foundation aid.

**17.10(1)** No change.

**17.10(2) *Dual enrolled pupils.*** Unless otherwise agreed to in the mediation under paragraph 17.4(6)"b," for pupils who receive competent private instruction and are dual enrolled, the resident district shall pay each year to the receiving district an amount equal to .1 times the state cost per pupil for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4. However, a pupil dual enrolled in grades nine through twelve shall be counted by the receiving district in the same manner as a shared-time pupil under Iowa Code section 257.6(1)"c."

**17.10(3) *Home school assistance program pupils.*** Unless otherwise agreed to in the mediation under paragraph 17.4(6)"b," for pupils who receive competent private instruction and are registered for a home school assistance program, the resident district shall pay each year to the receiving district an amount equal to ~~.6~~ .3 times the state cost per pupil under Iowa Code chapter 257 for the previous year plus any moneys received for the pupil as a result of non-English speaking weighting provided by Iowa Code section 280.4.

**17.10(4) and 17.10(5)** No change.

**17.10(6) *Partial-year situations.*** In the event that the pupil who is under open enrollment withdraws from school, moves into the district of attendance, moves out of state, moves to another district in the state of Iowa and elects to attend that district, graduates at midyear, is allowed to return to the district of residence during the school year, or other similar set of circumstances that result in the pupil no longer attending in the receiving district, payment of cost per pupil will be prorated ~~based on the number of~~ quarters of school enrollment.

**17.10(7) and 17.10(8)** No change.